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THE MONROE DOCTRINE: A SOLUTION OF ITS PROBLEM

BY PHILIP M. BROWN,

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Since I do not wish to add myself to the category of "doctrinaires," it is with some diffidence that I respond to the request to address you on the topic under discussion. But nevertheless I do respond with a good deal of earnestness for this reason: It was my duty to serve as a diplomatic representative in Central America for a number of years, and to deal with the Monroe Doctrine in its practical operations in peace and in war. I have also witnessed an attempt to experiment with the principle of alliance when the United States endeavored to secure the coöperation of Mexico in dealing with the problems of Central America.

I felt my responsibility very keenly at that time, and I feel it equally so now as a student of international politics residing again in this country. When I left Honduras, I stated to the President that I had come to Honduras as the representative of the United States, but that I left as the representative of Honduras. I particularly feel that responsibility of representing fairly the rights of those countries at this time because of the fact that they are in grave danger from their best friend, the United States. Though we aim to be of disinterested service to them, I believe that their territorial integrity and political independence are in a sense menaced by the mistaken policy we have adopted. At this moment in the little country of Nicaragua, a weak government is being maintained in power by a force of American marines stationed at Managua.

The discussion of the Monroe Doctrine has been extremely illuminating. It has reminded me, however, of what President Taft once said to the newspaper editors gathered at a banquet in New York: "Gentlemen, the truth does not lie in you. It lies between you." With two distinguished newspaper men addressing us, we have this epigram most felicitously illustrated.

It seems to me that this discussion has brought out clearly the following points. First of all it is evident that the Monroe Doctrine is painfully vague, and, as remarked by Mr. Blaine of the hapless

Clayton-Bulwer treaty, "misunderstandingly entered into, imperfectly comprehended, contradictorily interpreted, and mutually vexatious."

Secondly, it is clear that there exists a general apprehension on the part of all Latin America as to the purposes of the United States. When I was serving in Central America, I used to find it extremely difficult to make clear to the people of those countries exactly what we did mean. At that time it was my boast that, except for the impropriety of disclosing certain facts concerning different personalities, the United States need have no fear of revealing all its diplomatic correspondence. I do not believe that there is anything selfish in our policy towards these countries. I believe that it has always been our earnest desire to be of constructive assistance. Yet it must be admitted that "dollar diplomacy" has caused them genuine alarm. Recent interpretations of the Monroe Doctrine implying the right of veto by the United States on the choice of their chief executives, and indicating also a right of control over the granting of foreign concessions—all matters of supreme importance—cannot fail to convey to the Latin-American mind a sinister significance.

Thirdly, this discussion has clearly indicated the necessity of insuring the adequate protection of foreign interests in certain of the countries of Latin America. This has been most effectively and brilliantly brought out in the paper by Mr. Low.

Fourthly, this discussion has revealed that reparation for wrongs and damages carries with it the danger of unjust aggression and even the loss of political independence. And in this connection, I would like to refer to the question raised by Mr. Low in regard to the blockade of Venezuela in 1902. It is possible to view the facts in a somewhat different light than viewed by Mr. Low. As a student of international affairs who has carefully gone over all the records of this case, it seems to me that what occurred in that famous incident was somewhat as follows: England, Germany and Italy had been trying for years to get Venezuela to meet its obligations. (I will not say just obligations, though certainly some of them were of that character.) They had been uniformly unsuccessful and felt compelled to resort to the use of coercive measures. Force was employed, and Venezuela, yielding under tremendous pressure—the pressure of the joint fleet which has been referred to by Mr. Low as more or less innocuous in the eyes of the Venezuelans—was obliged to sign a protocol of arbitra-

tion, the United States having used its good offices as a friendly intermediary. Under that protocol, Venezuela was forced to arbitrate, not the question whether she owed the sums claimed—this she had to concede in principle before England, Germany and Italy would arbitrate—but the question as to whether preference in payment should be given to those creditors who resorted to the use of force, over those who proceeded by peaceful means. The consecration of this vicious principle by the decision of the arbitral tribunal should be deeply lamented by all who believe in international fair play.

Now this very situation in Venezuela to which Mr. Low referred seems to me to emphasize eloquently the necessity of facing squarely this whole question as to the meaning and vitality of the Monroe Doctrine. The adverse criticism to which it has been subjected in recent years, the suggestions that it is dead and useless, all tend to mislead people, and particularly to delude Europe into the belief that the United States will never again intervene to defend a Latin-American state from European aggression. This becomes therefore a most precarious situation, and it seems to me that it is our solemn duty as a result of this discussion to try to reach a definite conclusion as to what the Monroe Doctrine signifies to us.

I realize that this task is difficult but I would ask your permission to allow me to indicate briefly what would seem to be the result, the final residuum of all this discussion, the working hypothesis on which we as a nation may proceed in dealing with the problems of this hemisphere.

First of all, we seem to be agreed that the Monroe Doctrine should be clearly defined; and secondly, that it must be defined in terms that are acceptable to all Latin America.

The Monroe Doctrine can no longer be considered as a peculiar possession of the United States, as purely a matter of state policy. To remove it out of the realm of policy; to obviate the unpleasant suggestion implied in the term doctrine; to avoid also the dangerous complications involved in the idea of alliance; I venture to suggest this possible solution, namely, to place the Monroe Doctrine within the safe sphere of absolute law.

In spite of the dicta of statesmen and international law publicists to the effect that the Monroe Doctrine, like the principle of the balance of power, is not a part of international law, it is not difficult so to define it as to make it a fundamental principle (as Mr. Pepper has very aptly called it), of the law of nations.

The great defect of international law today, as you know, is that it has no sanction; no guarantee of enforcement other than the sanction of public opinion. That is the main thing we are striving for: as effective an enforcement of international law as we have an effective enforcement of municipal law. Now if we will reduce the Monroe Doctrine down to the simplest terms; if we will strip it of all the vagaries of statesmen and commentators, we find in the last analysis that it means nothing more and nothing less than that the United States finds itself pledged to the defence of the rights of every nation to independence, sovereign jurisdiction and equality. These are the most sacred, basic principles of international law; and nothing could be more securely a part of international law than an effective sanction of these principles. Such a sanction is to be found in the Monroe Doctrine, which, interpreted in this light, ceases to be simply a question of policy, and is at once put on the solid basis of law.

It seems to me that we as a nation are fast approaching a situation where it is imperatively necessary that in measured but forceful language we make unmistakably clear to Europe and to all Latin America the vital meaning of the Monroe Doctrine. If Europe lacks any effective sanction to international law; if the smaller states such as the Balkan States are without any other protection than that of their own armies, America will not be remiss on its part. Our high aim should be, at least on this western hemisphere, to protect the smaller states from unjust aggressions by the great. In other words, we should boldly proclaim the Monroe Doctrine to be the great basic principle of international law, namely, the defence of the fundamental rights of sovereignty, independence and equality.

But in the working out of the problems connected with the countries of this hemisphere, it is not enough to enunciate principles. We must also have international agreements as to their practical operation especially in the case of nations seeking redress for just grievances. While no one nation should constitute itself the sole judge of its rights, no nation, on the other hand, should be permitted to escape the fulfillment of its just obligations. The determination of these rights and obligations is properly a function of law. We should, for example, have an agreement of the nations of this hemisphere, if not of the whole world, as to the precise rights of international creditors; as to the circumstances justifying a nation to go into bankruptcy; as to the legal methods permissible for the collection of debts; as to the

rights of foreigners to reparation for torts; as to the rights of foreigners to damages for wrongs committed in times of civil disturbance; and many other such questions which give rise to diplomatic friction, reprisals and even war.

If the other nations of the world, owing to political problems yet unsolved, are unable to undertake yet this great task of creating the law which must eventually supplant war, we in this hemisphere have no excuse if we do not whole-heartedly direct our energies in this direction. We have not only the inspiring opportunity but we have the agencies at hand in the Pan-American Conferences and the Pan-American Union so ably directed by the Honorable John Barrett. Already important steps have been taken in this sense. Jurists of note from the countries of Latin America and the United States are now at work on the drafting of laws on the subjects already indicated; laws which should bring order out of chaos, which should prove as acceptable to Europe as to ourselves, and protect the rights of the weak as well as of the strong.

Now it seems to me that if we can thus effectively take this whole question out of the realm of discussion of policy and of alliance, and place it firmly on the basis of international law, all Latin America will join with us with absolute unanimity and enthusiasm in the mutual defence of this great principle. In this way, without uncertainty or distrust, we can work together in perfect harmony apart from the maelstrom of European politics in order to solve, if we can, the great problems standing in the way of universal peace. In this way we can leave Europe in no unfortunate uncertainty as to the vital significance of the great principle that underlies the famous declaration of President Monroe nearly a century ago.